

Service as first class n Patents, Washington, D	nail in an envelope addressed to the Assistant Co.C. 20231 on	Commiss
, .	January 28, 2004	
.1	(Date of Deposit) Kenneth A. Gandy	
Leure	Name of Registered Refresentative	
<i>O</i>	Signatule January/28, 2004	
	Date of Signature	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:) Examiner: Dave Nguyen
David A. Williams	Group Art Unit: 1632 PECEIVED
Serial No. 09/394,867	FEB 0 4 2004
Filed: September 13, 1999	OFFICE OF PETITIONS
METHODS FOR ENHANCED RETROVIRAL-MEDIATED GENE TRANSFER) January 28, 2004)

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Office of Petitions Commissioner of Patents Crystal Park 1, Suite 520 Washington, D.C. 20231

Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to an Office letter by the United States Patent and Trademark Office. Applicants hereby petition for revival of this application.

A Notice of Abandonment was mailed November 4, 2003. The Notice indicated that this application became abandoned for failure to timely file a proper reply to the Office letter mailed on January 27, 2003. In particular, the Notice stated that no reply had been received.

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER CFR 37 1.137(b) Serial No. 09/394,867
Attorney Docket No. 7037-377
Page 1 of 2

In fact, a reply was filed with the Patent Office on July 28, 2003, including a Notice of Appeal, a request for extension of time, and the necessary fees. Enclosed is a true and accurate copy of said reply, along with a copy of the accompanying datestamped (July 30, 2003) postcard received from the Patent Office. In view of this information, it appears that the Notice of Abandonment was in error in stating that no reply had been received. However, upon reviewing the matter, it appears that the Notice of Appeal document filed was not a proper response, as it was not signed. This was an inadvertant error.

Enclosed is a signed copy of the Notice of Appeal, completing the required reply. The entire delay in filing this required reply from the due date for the reply until the filing of this petition was unintentional. Applicants thus request revival of this application.

Respectfully submitted,

By:

Kenneth A. Gandy, Reg. No. 33,886 Woodard, Emhardt, Moriarty, McNett

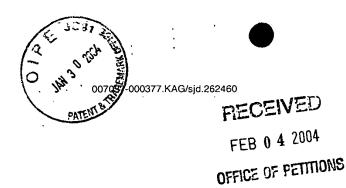
& Henry LLP

Bank One Center/Tower, Suite 3700

111 Monument Circle

Indianapolis, Indiana 46204-5137

(317) 634-3456



I hereby certify that this correspondence is being deposited with the United \$ Postal Service as first class mail in an enve addressed to the Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450 on January 28, 2004 (Date of Deposit) Kenneth A. Gandy Signature January 28, 2004 Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:) Examiner: Dave T. Nguyen
David A. Williams) Group Art Unit 1632
Serial No. 09/394,867	
Filed: September 13, 1999	
METHODS FOR ENHANCED RETROVIRAL-MEDIATED GENE TRANSFER) January 28, 2004))

NOTICE OF APPEAL

Hon. Commissioner for Patents **BOX After Final** Alexandria VA 22313

Dear Sir:

Final rejection of the claims 11-23, 38-43 and 79-83 was mailed from the U.S. Patent and Trademark Office on January 27, 2003.

Applicants hereby appeal the Examiner's final rejection of claims 11-23, 38-43 and 79-83. The payment of the appeal fee was made with the papers filed July 28, 2003. Any additional fees which may be due may be charged to Deposit Account No. 23-3030, but do not include payment of any issue fees.

Respectfully submitted,

By:

Kenneth A. Gandy, Reg/No. 33, 386

Woodard, Emhardt, Naughton, Moriarty & McNett

Bank One Tower, Suite 3700

111 Monument Circle

Indianapolis, Indiana 46204-5137

(317) 634-3456





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007037-000377.KAG/sjd.262476 WEMMH/SB/21 (4/03)

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TRANSMITTAL	PE Application Number	09/394 867			
TRANSMITTAL	Filing Date	September 13, 1999			
FORM	First Named Inventor	WILLIAMS, David A.			
FORIVI	Group Art Unit	1632			
(to be used for all correspondence after initial filing)	Examiner Name	Dave Nguven			
Total Number of Pages in this Submission	Attorney Docket Number	7037-377			

ENCLOSURES (check all that apply)									
\boxtimes	Fee Transmittal Form	Assignment Papers				After Allowance Communication to Group			
	Fee Attached		Drawing(s)			Appeal Communication to Board of Appeals and Interferences			
	Amendment Response		Licensing-related Papers			Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)			
	After Final	To Convert a Provisional Application Proprietary Int			Proprietary Information				
	Affidavits/declaration(s)		Power of Attorney, Revocation, Change of Correspondence Address			Status Letter			
-	Extension of Time Request		Terminal Disclaimer			Additional Enclosure (please identify below)			
	Express Abandonment Request		Small Entity Statement			Return Receipt Postcard			
	Information Disclosure Statement	Request for Refund			Petition for Revival of Unintentionally Abandoned Application				
	Certified Copy of Priority Documents								
	Response to Missing Parts/ Incomplete Application	Remarks							
	Response to Missing Parts under 37 CRF 1.52 or 1.53								
	SIGNATURE	OF A	PPLICANT, ATTORN	EY, OR AC	SENT				
Firm or Individual Name Woodard, Emhardt, Moriarty, McNett & Henry LLP									
Signature Burella a Standy									
Date January 28, 2004									
Certificate of Mailing									
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:									
	Typed or printed Kenneth A. Gandy name 2								
Signature buryoth On Stand					Januar	y 28, 2004			

00 00377.KAG/sjd.262344 WEMMH/SB/17 (12/03)
Approved for use through 10/31/2002. OM8 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reductio	n Act of 1	995, no pe	rsons are req	uired to resp			less it displays a valid OMB o	control number.		
PATE PEE TRANSMITTAL			Complete if Known							
-		Application Number			_	09/394,867				
		Filing Date First Named Inventor				WILLIAMS, David A. FECEIVED				
Fifective 01/01/2003. Patent fees are subject to annual revision.		oup Art l								
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Applicant claims small entity status. See 37 CFR 1.27 Total Amount of Payment (\$) 1,330.00			ocket Num	hor	7037-	. • ·	FEB 0 4 2004	<u>t </u>		
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Account McNett & Henry LLP		1812	2,520	1812	2,520	For filing a request for				
Name L		1804	920*	1804	920*	Requesting publication				
The Commissioner is authorized to: (check all that apply)		1				Examiner's Action Requesting publication				
□ Charge fee(s) indicated below □ Credit any overpayment	s	1805	1,840*	1805	1,840*	Examiner's Action				
Charge any additional fee(s) during the pendency of this application the payment of issue feet.	ation,	1251	110	2251	55	Extension for reply w	ithin first month	ļ		
excluding the payment of issue fees Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.			420	2252	210	Extension for reply within second month				
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1. BASIC FILING FEE		1254	1,480	2254	740	Extension for reply w	rithin fourth month			
Large Entity Small Entity Fee		1255	2,010	2255	1,005	Extension for reply w	ithin fifth month			
Fee Fee (\$) Fee Fee (\$) Description Fe	e Paid	1401	330	2401	165	Notice of Appeal				
1001 770 2001 385 Utility Filing Fee		1402	330	2402	165	Filing a brief in suppo	ort of an appeal			
1002 340 2002 170 Design Filing Fee		1403	290	2403	145	Request for oral hearing				
1003 530 2003 265 Plant Filing Fee		1451	1,510	1451	1,510	Petition to institute a public use proceeding				
1004 770 2004 385 Reissue Filing		1452	110	2452	55	Petition to revive – u	navoidable			
1005 160 2005 80 Provisional Filing Fee		1453	1,330	2453	665	Petition to revive – unintentional				
SUBTOTAL (1) (\$)		1501	1,330	2501	665	Utility issue fee (or re				
2. EXTRA CLAIM FEES		1502	480	2502	240	Design issue fee				
Extra Fee From Below Fee Paid Claims			640	2503	320	Plant issue fee				
Total Claims -20** = X =		1460	130	1460	130	Petitions to the Comr	missioner			
Independent -3** = X =		1807	50	1807	50	Petitions related to pr	rovisional applications			
Claims Multiple Dependent =		1806	180	1806	180	Submission of Inform	ation Disclosure Stmt			
		8021	40	8021	40	Recording each pate				
Large Entity Small Entity Fee Description		1809	770	2809	385		fter final rejection (37			
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1201 86 2201 43 Independent claims in excess 1203 290 2203 145 Multiple dependent claim, if n		1801	770 900	2801 1802	385 900	385 Request for Continued Examination (RCE) Request for expedited examination of a				
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**or number previously paid, if greater; For Reissues, see above										
SUBMITTED BY Complete (d applicable)										
Name (Print/Type) Kenneth, A. Gandy			Registration (Attorney/A		33,386	Telephone	(317) 634-3456			
Signature Louveth C	Date January 28, 200				04					

WARNING: Information on this form flay become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or feelin a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is definated to take 6 minutes to compete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.